

REMARKS

Reconsideration of claims 1, 3 to 6 and 8 to 16 is respectfully requested.

In the Office Action written October 10, 2003 claims 1, 3 to 6 and 12 to 16 were rejected under 35 USC 103(a) as being unpatentable over U.S. Patent 6,445,926 to Boch et al. in view of European application 429200 to Wildey. Furthermore, 8 to 11 were rejected under 35 USC 103(a) as being unpatentable over Boch et al. in view of Wildey and Florea (U.S. 6,553,234).

The Examiner will note that the present application and the Boch et al. patent are commonly owned by Alcatel Canada Inc. Furthermore, the Florea patent is also owned by Alcatel Canada Inc. and the second inventor named in the present invention is the inventor named in the Florea citation. As evidence that the present application stands in the name of Alcatel Canada Inc. the Examiner will note that rights in the present application were assigned by the inventors to Newbridge Networks Corporation and a copy of the Assignment is attached hereto. Subsequently a change of name was recorded on October 17, 2000 under Reel/Frame 011240/0383 wherein Newbridge Networks Corporation become known as Alcatel Networks Corporation. Finally, via a change of name recorded February 8, 2001 under Reel/Frame 011534/0975, Alcatel Networks Corporation became Alcatel Canada Inc.

In view of the foregoing there is attached hereto a Terminal Disclaimer wherein the term of any patent issuing from the present application is set to coincide with the expiry date of the Boch et al. patent 6,445,926 which issued September 3, 2002.

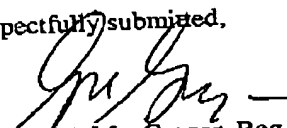
In view of the foregoing it is believed that the Terminal Disclaimer filed herein overcomes the citation of the Boch et al. reference against claims in the present application. As indicated previously it is further noted that the Florea et al. reference which issued after the Boch et al. patent is also owned by Alcatel Canada Inc. and there is a co-inventor between that patent and the present application.

It is respectfully submitted that the Terminal Disclaimer sets aside the Boch et al. reference and for this reason the rejection of the claims under the combination of references under 35 USC 103(a) is traversed.

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Allowance of the claims at present on file at an early date is earnestly solicited.

Respectfully submitted,

  
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